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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,169

Applicant(s)

TAYSI, SEDA

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 10, 11, 13, 18-20 and 22-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-5, 10, 11, 13, 18-20 and 22-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Election/Restrictions

Claims 28-32 are cancelled from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 1/14/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,5,10,11,13,18,19,20, 22-27 ARE rejected under 35 U.S.C. 103(a) as being unpatentable over Pfenninger et al. in view of Dohanich et al.

Pfenninger et al. disclose creating at least one online questionnaire (survey col. 4 lines 4-9) residing on a web site (web server 16 and database 12 provide a website) and wherein access to said web site is protected by at least an interviewee specific password (website defined as the survey questions which are accessed using a valid ID col. 5 lines 34-36), providing management tools to an administrator managing said online questionnaire process wherein said management tools includes providing a tracking tool allowing the administrator to track the progress of the completion of said questionnaire by each interviewee (see col. 8 lines,20-30 for the disclosure of a status page tracking the number of completed tests). Pfenninger et al. do disclose providing

data organization tools allowing the administrator to document and determine results based on the response data collected from interviewee questionnaire(col. 7, lines15-22) and further provides an email management toll allowing the administrator to generate an email related to the questionnaire (see, Pfenninger et al. at col. 10 lines 8-27 which disclose a series of emails related to questionnaire e.g. read as a campaign of e-mails) and a report generating tool allowing tracking reports to be generated col. 7 lines 20-21. However the documentation does not mention tax appraisal of the given tested.

Dohanich et al. does disclose using questionnaire information to evaluate a person's tax exposure based upon activity related to tax data. It would be obvious to modify the method of Pfenninger et al. to include a tax assessment mode using activity based inquiry since the Pfennijnger et al, the motivation being to provide remote access to information for evaluation purposes and the remote evaluation and assessment of information.

Re claim 4: as set forth above, Pfenninger et al. disclose, inter alia, at least one online questionnaire residing on a password protected web site; providing administration tools for organizing and documenting said tax data; providing report generating tools (col. 7 line 44). However the application to a tax data application is not specifically disclosed to generate a tax credit based upon activities responded to. But Dohanich et al. do disclose using questionnaire information to evaluate a person's tax exposure/exemptions. It would be obvious to use in the method of Pfenninger et al. a tax

Art Unit: 3627

assessment mode which includes using said report generating tool to generate reports used in documenting and determining tax credit (credits are deemed effectively credits where income is substantial, note however that Fig. 3A covers R&D) as taught by Dohanich et al. since the Pfennijnger et al provides remote access to information for evaluation purposes the motivation being the remote evaluation and assessment of information.

Re claim 5/22/24/25/26/27: Fig. 3A covers a tax break for R&D, and the responder to the questionnaire would obviously need to be one closely involved with the company, e.g. an employee.

Re claim 10: Pfenninger et al., the pre-populated data in said questionnaires general information section is read as the pre-selected subject matter of the survey used.

Re claim 11: see valid ID col. 5 lines 34-36 of Pfenninger et al. for access.

Re claims 13/23. See col. 10 lines 55-62 for concurrent review of survey responses by administrator in Pfenninger et al.

Re claim 18: see col. 5 lines 25-32 in Pfenninger et al. for disclosure of URL with embedded link in email message answering using IP addresses and limiting access by assigning interviewee specific passwords.

Re claim 19: the tester assignment page 110 allows notice of users in Pfenninger et al.

Re claim 20: Official Notice is taken with respect to the old and notorious use of instructions in administering a survey questions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Applicant's remarks reference a telephone conversation on 9/20/2004 regarding the inclusion of claim 5 which has been done in this office action. Applicant did not at that time say to the examiner that he would be amending claims 3 and 4 to include an

activities based limitation which would require a new grounds of rejection, thereby making a new grounds of rejection final. Thus, any mention of a nonfinal action was based on the examiner's assumption that the response would only be for reconsideration and based upon non amendment of the claims. Notwithstanding, the feature of a credit was previously addressed in claim 4, and the type of credit is not a patentable distinction. Furthermore the newly presented claims 22-27 have been examined even though they were only now presented and not as part of the species set forth as originally filed so that the finality of these claim is deemed proper. The examiner notes he has examined claims 10, 13 and 18 drawn to species which he did not need to examine.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Primary Examiner Joseph A. Fischetti at telephone number (703) 305-0731.

Joseph A. Fischetti
Primary Examiner
Art Unit 3627

